

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 16 DEC 2005

WIPO

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To: 200233

435 Guiping Road, Shanghai, P.R. China

SHANGHAI PATENT & TRADEMARK AGENCY

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43 *bis*.1)

Date of mailing

(day/month/year) 2005 (08 - 12 - 2005)

Applicant's or agent's file reference

054690 PC

FOR FURTHER ACTION

see paragraph 2 below

International application No.

PCT/CN2005/000922

International filing date (day/month/year)

24. Jun 2005 (24.06.2005)

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

IPC⁷ G06F15/18 G06F17/00 G10L15/00

Applicant

INTEL CORPORATION et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CN
The State Intellectual Property Office, the
P.R.China 6 Xitucheng Rd., Jimen Bridge,
Haidian District, Beijing, China 100088
Facsimile No. 86-10-62019451

Date of completion of this opinion
17.Nov 2005 (17.11.2005)

Authorized officer



Telephone No. (86-10)62084927

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2005/000922

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CN2005/000922

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-20	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-20	NO
Industrial applicability (IA)	Claims 1-20	YES
	Claims	NO

2. Citations and explanations

(1) Reference is made to the following documents:

D1: CN 1512300 A (see figure 8 and accompanying text, and in particular claim 1, 13, 14)

(2) Inventive step of Claim 1:

D1 discloses a method for correcting a spoken utterance of a language learner, including the following steps: recording a spoken utterance (see in particular claim 13); evaluating the pronunciation of the spoken utterance for accuracy (see in particular claim 14); evaluating the spoken utterance for duration (see in particular claim 14); and evaluating the spoken utterance for pitch and strength (see in particular claim 14); at last, assigning a score to the spoken utterance based on the accuracy , the duration, the pitch and strength(see in particular claim 1). Thus, it can be seen that the difference between D1 and claim 1 of the present invention is that D1 further evaluates the pitch and strength and assigns the score based on them. But for the skilled person in the art, it is obviously to select some characteristic values from the spoken utterance of the learner (for example, the accuracy, the duration , the pitch and the strength) and thereby assign a score to the spoken utterance.

Thus , the subject-matter of claim 1 is not inventive within the meaning of PCT Article 33(3).

(3) Inventive step of Claims 2-4, 6-8:

All the additional technical features of dependent claims 2-4 and 6-8 are directly disclosed by D1(see figure 8 and accompanying text), therefore the subject matter of claims 2-4 and 6-8 are not inventive under PCT Article 33(3).

(4) Inventive step of Claim 5:

The additional features of dependent claim 5 is: uploading assigned score to a server module to provide a learning history to a remote teacher. With the development of the network technology, the remote teaching is getting more and more popular, so for a skilled person in the art it is easy to consider sending the assigned score to a server via the network to provide a learning history to a remote teacher. Thus, claim 5 doesn't meet the requirement of PCT Article 33(3) in respect to inventive step.

(5) Inventive step of Claims 9-16 and 17-20.

Independent claim 9 claims a machine-readable medium and independent claim 17 claims an apparatus, in fact, they all implement the function of the method according to claim 1. However, as the method of claim 1 is not inventive, it would be obvious for the skilled person to implement its steps as an apparatus or a machine-readable medium. Therefore, the subject-matters of claim 9 and 17 are not inventive.

For the same reason, the dependent claims 10-16 of claim 9 and the dependent claims 18-20 of claim 17 are not inventive too.

Therefore Claims 9-16 and 17-20 don't meet the requirement of PCT Article 33(3) in respect to inventive step.

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Inventive step (IS)	Claims	YES
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Therefore Claims 9-16 and 17-20 don't meet the requirement of PCT Article 33(3) in respect to inventive step.